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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,331	07/24/2003	Douglas S. Slenz	1043	1379

7590

03/08/2005

Donald J. Ersler  
725 Garvens Avenue  
Brookfield, WI 53005

EXAMINER

HOPKINS, ROBERT A

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/626,331

Applicant(s)

SLENZ, DOUGLAS S.

Examiner

Robert A Hopkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-11 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swiss reference(675366) taken together with Hallanger(3129587).

Swiss reference teaches a method of filtering scraps of paper from an air flow comprising providing a chamber(10) having a first inlet(6) and a first outlet(4), retaining a plate(1) having a plurality of openings formed therethrough in the first chamber, and flowing air having scraps of paper through the first chamber. Swiss reference is silent as to a step of detecting a difference in pressure across a thickness of the plate.

Hallanger teaches an apparatus having a duct, a perforated plate within the duct, and a mechanism for detecting a difference in average total pressure across the perforated plate. It would have been obvious to someone of ordinary skill in the art at the time of the invention to provide a step of detecting a difference in pressure across a thickness of the perforated plate of Swiss reference so that an accurate measurement of the total flow through the chamber of Swiss reference can be established(column 1 lines 39-46 of Hallanger).

Swiss reference further teaches a step of providing a second chamber(14) having a dust inlet and a second outlet, connecting the first outlet to the dust inlet.

***Allowable Subject Matter***

Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 3 recites "opening a paper disposal opening below said plate, closing said dust inlet, opening a bypass inlet in said second chamber when said pressure difference exceeds a specified amount". Swiss reference teaches a discharge bin(10') for collecting the paper snips separated from the air flow, but does not teach steps of opening a paper disposal opening below said plate, closing said dust inlet, opening a bypass inlet in said second chamber when said pressure difference exceeds a specified amount. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide steps of opening a paper disposal opening below said plate, closing said dust inlet, opening a bypass inlet in said second chamber when said pressure difference exceeds a specified amount because Swiss reference does not suggest such a modification.

Claim 4 recites "providing at least one compressed air manifold adjacent a front surface of said plate, flowing compressed air through said at least one compressed air manifold to remove the scraps of paper clinging to said plate". Swiss reference fails to teach a step of providing at least one compressed air manifold adjacent a front surface of said plate, flowing compressed air through said at least one compressed air manifold to remove the scraps of paper clinging to said plate. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide steps of

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providing at least one compressed air manifold adjacent a front surface of said plate, flowing compressed air through said at least one compressed air manifold to remove the scraps of paper clinging to said plate because Swiss reference does not suggest such a modification.

Claims 5-11 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 5 recites "opening a paper disposal below said plate, closing said first outlet, when the air flow through said plate is impeded". Swiss reference teaches a discharge bin for collecting the paper snips separated from the air flow, but does not teach a step of opening a paper disposal below said plate, closing said first outlet, when the air flow through said plate is impeded. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide steps of opening a paper disposal below said plate, closing said first outlet, when the air flow through said plate is impeded because Swiss reference does not suggest such a modification. Claims 6-8 depend on claim 5 and hence are also allowed.

Claim 9 recites "opening a paper disposal below said plate, closing said dust inlet, opening a bypass inlet in said second chamber when the air flow through said plate is impeded; and providing means for removing the scraps of paper from said plate". Swiss reference teaches a discharge bin for collecting the paper snips separated from the air flow, but does not teach steps of opening a paper disposal below said plate, closing said dust inlet, opening a bypass inlet in said second chamber when

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the air flow through said plate is impeded; and providing means for removing the scraps of paper from said plate. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide steps of opening a paper disposal below said plate, closing said dust inlet, opening a bypass inlet in said second chamber when the air flow through said plate is impeded; and providing means for removing the scraps of paper from said plate because Swiss reference does not suggest such a modification. Claims 10 and 11 depend on claim 9 and hence are also allowed.

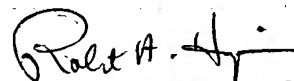
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday, 7am-4pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rah  
March 4, 2005

  
**ROBERT A. HOPKINS**  
**PRIMARY EXAMINER**

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